

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

CRL.A.No. 392 of 2005(A)

ST.1559/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR
AGAINST THE JUDGEMENT/ORDER IN CRLP.809/2004 Dated 18/02/2005

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APPELLANT: COMPLAINANT

AZEES, S/O. AHAMMED HAJI,
PUTHIYAVEETIL, KAIPAMANGALAM, DIRECTOR,
INTEGRATED SPICES AND FOOD PODDUCTS (P) LTD.,
NOW REPRESENTED BY ITS PRINCIPAL OFFICER,
MADHU MOHAN K.S.

BY ADV. SRI.N.P.SAMUEL
SRI.RUPESH V.R.

RESPONDENTS: ACCUSED & STATE

1. SANTHOSH KUMAR,
PROPRIETOR M/S.POPULAR AGENCIES,
SSREENIVASAPURAM, VARKALA, THIRUVANANTHAPURAM
2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED.
SRI.M.L.SAJEEVAN
SRI.M.N.SANJITH

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.M. JAMES, J.

Criminal Appeal No.392 of 2005

Dated this the 28th February, 2007.

J U D G M E N T

A director of a private limited company was the complainant before the Judicial First Class Magistrate Court, Kodungallur, in S.T.No.1559/2000, having preferred under Section 138 of the Negotiable Instruments Act, against the first respondent, accused. He was sick due to heart ailments, and, therefore, was absent on the appointed date. After rejecting the application for adjournment of the case, filed on behalf of the complainant, along with the medical certificate, the learned Magistrate dismissed the complainant, and acquitted the accused. Hence this appeal after obtaining leave of this Court.

2. Today, I have disposed of CrI.A.No.406/2005 preferred by the appellant through another Director of the Company, after due authorisation.

3. In the above circumstances, taking the similar view, I set aside the impugned order, dated 23.12.2003, and restore S.T.No.1559/2000, to the file of the Judicial First Class Magistrate Court, Kodungallur.

4. The parties shall appear before the court below on 29.3.2007.

5. The learned Magistrate is directed to dispose of the case, at the earliest, and in any case, within four months from the date of appearance of the parties.

Criminal Appeal is allowed as above.

**J.M. JAMES,
JUDGE**

nj.